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Attorney Ref: 394A US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Rivera et al.  
Serial No. : 09/733,368  
Filed : December 8, 2000  
For : *Methods for High Level Expression of Genes in Primates*

Art Unit: 1645

Examiner: ----

U.S. Patent & Trademark Office  
Box Sequence  
PO Box 2327  
Arlington, VA 22202

October 11, 2002

**Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures**

Applicants submit a Sequence Listing for the above-identified application under 37 CFR 1.821 through 1.825 in response to a Notice to Comply mailed August 13, 2002. The deadline for responding to the notice is October 13, 2002 and thus this response should be deemed to be filed in a timely manner. Pursuant to the duty to submit DNA and amino acid sequence in computer readable form, this affirms that to the best of my knowledge and belief, the sequence listing information recorded in computer readable form is identical to the written sequence listing. Enclosed are the paper and CRF versions of the Sequence Listing and a copy of the Notice to Comply.

Please amend the specification to include the Sequence Listing after the detailed description and before the claims in the above-identified patent application. In accordance with 37 CFR §1.821(a), I hereby state that the sequences contained in this Sequence Listing are supported in the application as filed. The paper copy and the computer readable copy of the amended Sequence Listing contain no new matter.

No additional costs are believed to be due in connection with this amendment. However, should any such fees be due, charge any deficiency or credit any overpayment to our Deposit Account No. 01-2315. If there are any questions about this request, the Examiner is invited to call the undersigned attorney at the number provided.

Respectfully submitted,

*David L Bernstein*

David L. Bernstein, Reg No. 31,235  
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I hereby certify that this paper is being deposited with the United States Postal Service via First Class Mail under 37 CFR 1.08 on the date indicated above and is addressed to US Patent & Trademark Office, Box Sequence, PO Box 2327, Arlington, VA, 22202.  
Date October 11, 2002

Signed

*Sue Wilson*  
Sue Wilson

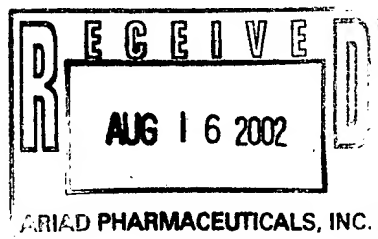


UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/733,368	12/08/2000	Victor Rivera	394A US

David L. Bernstein  
ARIAD Gene Therapeutics, Inc.  
26 Landsdowne Street  
Cambridge, MA 02139-4234



CONFIRMATION NO. 1969

FORMALITIES LETTER



\*OC000000008616816\*

Date Mailed: 08/13/2002

## NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
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PART 2 - COPY TO BE RETURNED WITH RESPONSE



PAGE: 1  
06/26/2002

VERIFICATION SUMMARY REPORT

DATE:

PATENT APPLICATION

TIME:

10:45:19

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#### GENERAL INFORMATION SECTION

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5,<120> Methods of High Level Expression of Genes in  
Primates  
7,<130> 394A US  
9,<140> 09/733,368  
10,<141> 2000-12-08  
12,<160> 14  
14,<170> PatentIn version 3.0

#### ERRORED LINES SECTION

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#### STATISTICS SUMMARY

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Application Serial Number: 09/733,368A  
Alpha or Numeric: Numeric  
Application Class:  
Application File Date: 2000-12-08  
Art Unit:  
Software Application: PatentIn  
Total Number of Sequences: 14  
Number of Errors: 0  
Number of Warnings: 0  
Number of Corrections: 0